

2013 DRAFTING REQUEST

Bill

Received: 3/28/2013 Received By: phurley
Wanted: As time permits Same as LRB:
For: Jim Steineke (608) 266-2418 By/Representing:
May Contact: Drafter: phurley
Subject: Criminal Law - victims Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: Rep.Steineke@legis.wisconsin.gov
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Victim advocates

Instructions:

See attached - same bill but with an "except as provided" clause

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	phurley 4/8/2013	scalvin 4/9/2013	rschluet 4/9/2013	_____			
/1				_____	lparisi 4/9/2013	mbarman 4/22/2013	

FE Sent For:

<END>

Not
needed

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/?	phurley	/1 sac					
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04/09/2013

4913

FE Sent For:

<END>

Hurley, Peggy

From: Turke, Jon
Sent: Tuesday, March 26, 2013 2:14 PM
To: Hurley, Peggy
Subject: Redraft Request

Hi Peggy-

Wondering if I could get LRB-4293/1 from 2011 redrafted for this year and add a provision that allows police to request the victim advocate to leave if they are being a roadblock to the investigation.

Thanks!

Jon Turke

Office of Rep. Jim Steineke
Assistant Majority Leader
608-266-2418

Hurley, Peggy

From: Turke, Jon
Sent: Monday, April 08, 2013 11:46 AM
To: Hurley, Peggy
Subject: RE: Redraft Request

Hi Peggy-

I think we'll leave out the law enforcement language for now and just redraft the bill to the same language as last session.

On another front, can I get LRB-1649 jacketed?

Thanks!

Jon Turke

Office of Rep. Jim Steineke
Assistant Majority Leader
608-266-2418

From: Hurley, Peggy
Sent: Thursday, March 28, 2013 11:07 AM
To: Turke, Jon
Subject: RE: Redraft Request

Hi Jon,

I can do this for you , but I think I'll need a bit more information. The draft has two components: examinations at a hospital and procedures related to law enforcement/investigation/hearings. Do you want the new provisions to apply to both components, or just to the law enforcement/investigation/hearings portion of the draft?

Do you want the police to be able to bar the advocate from attending a proceeding, or simply to request the advocate to leave? If you want the police to be able to bar the advocate (if they determine that the presence of the advocate is impeding or hindering an investigation or proceeding, say), should there be any kind of right of appeal for the victim to challenge that?

I will enter the request for you today, but I will be out of the office tomorrow and next Monday. If you want to sit down and talk over any of these questions, just let me know.

Peggy

From: Turke, Jon
Sent: Tuesday, March 26, 2013 2:14 PM
To: Hurley, Peggy
Subject: Redraft Request

Hi Peggy-

Wondering if I could get LRB-4293/1 from 2011 redrafted for this year and add a provision that allows police to request the victim advocate to leave if they are being a roadblock to the investigation.

Thanks!

Jon Turke

Office of Rep. Jim Steineke
Assistant Majority Leader
608-266-2418



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-4293/1

PJH:sac:pfr

stays

2011 BILL

4.8-13
soon

2010/1
1mvr

gen cat

- 1 AN ACT *to renumber* 50.377 (1); *to amend* 950.02 (1m); and *to create* 50.377
- 2 (1) (b), 50.378 and 950.053 of the statutes; **relating to:** granting victims of
- 3 certain offenses a right to be accompanied by a victim advocate.

Analysis by the Legislative Reference Bureau

Under current law, a victim of a crime is afforded certain rights while his or her case proceeds through the criminal justice system, including the right to be present at certain hearings, the right to make statements regarding the disposition of the case, and the right to be notified of additional proceedings after the case has been adjudicated. Current law allows a victim of certain crimes, including domestic abuse or certain acts of child abuse, harassment, sexual assault, or sexual exploitation by a therapist, to be accompanied by a victims' advocate or counselor at criminal hearings, depositions, court proceedings, and at meetings related to the hearings, depositions, and court proceedings if the crime is a factor in a child custody case involving the victim or if the crime is a factor in the victim's ability to represent his or her own interests in the proceedings.

Under this bill, in addition to the rights he or she enjoys under current law, a victim of domestic abuse, harassment, certain sexual assault crimes, and certain crimes of child abuse (abusive conduct) has the right to be accompanied by a victim advocate of his or her choosing at any activity or event related to the abusive conduct that the victim attends, or is requested to attend by any law enforcement agency, district attorney, department of justice, department of corrections, or court.

Under the bill, any hospital that provides emergency services to a victim of abusive conduct is required to allow, at the victim's request, a victim advocate to

BILL

accompany the victim to any examination or consultation related to the abusive conduct. The bill allows a victim or, if the victim is a minor, the parent or guardian of the victim, to request a victim advocate to accompany him or her. Under the bill, a minor may also request a victim advocate without the permission of his or her parent or guardian.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 50.377 (1)^x of the statutes is renumbered 50.377 (1) (a).

2 SECTION 2. 50.377 (1)^x (b) of the statutes is created to read:

3 50.377 (1) (b) Whoever violates a requirement under s. 50.378 (2)[✓] may be
4 required to forfeit not less than \$1,000 nor more than \$2,500 for each violation.

5 SECTION 3. 50.378[✓] of the statutes is created to read:

6 **50.378 Accompaniment by a victim advocate. (1) DEFINITIONS.** In this
7 section:

8 (a) "Abusive conduct" means a completed or attempted act of domestic abuse,
9 as defined in s. 813.12 (1)[✓] (am), harassment, as defined in s. 813.125 (1)[✓], or a violation
10 of s. 940.22[✓], 940.225[✓], 940.32[✓], 942.08[✓], 942.09[✓], or ss. 948.01[✓] to 948.11[✓].

11 (b) "Victim advocate" means an individual who is an employee of, or a volunteer
12 for, a sexual assault service provider that is eligible to receive grants under s. 165.93[✓]
13 (2) (b) or a domestic abuse victim service provider that is certified by the department
14 of health services as eligible to receive grants under s. 49.165 (2)[✓]. An individual who
15 is acting as a sexual assault nurse examiner or who is an employee of a law
16 enforcement agency is not a victim advocate for the purposes of this section.

17 (c) "Victim of abusive conduct" means a person who alleges or for whom it is
18 alleged that he or she suffered abusive conduct and who, as a result of the abusive
19 conduct, presents as a patient at a hospital that provides emergency services.

BILL

1 **(2) RIGHT TO ACCOMPANIMENT BY A VICTIM ADVOCATE.** (a) A hospital that provides
2 emergency services to a victim of abusive conduct shall, at the request of a victim of
3 abusive conduct, permit a victim advocate to accompany the victim to any
4 examination or consultation that is performed at the hospital as a result of the
5 abusive conduct.

6 (b) A parent, guardian, or legal custodian of a minor who is a victim of abusive
7 conduct may make a request under par. (a) for a victim advocate to accompany the
8 minor victim of abusive conduct.

9 (c) A minor who is a victim of abusive conduct may make a request under par.
10 (a) for a victim advocate to accompany him or her without the consent of his or her
11 parent, guardian, or legal custodian.

12 **(3)** The department shall respond to any complaint received by the department
13 concerning noncompliance by a hospital with the requirements of sub. (2) and shall
14 periodically review hospital procedures to determine whether a hospital is in
15 compliance with the requirements.

16 **SECTION 4.** 950.02[✓] (1m) of the statutes is amended to read:

17 950.02 **(1m)** "Crime" means an act committed in this state which, if committed
18 by a competent adult, would constitute a crime, as defined in s. 939.12, or would
19 constitute abusive conduct, as defined in s. 950.053 (1) (a).

20 **SECTION 5.** 950.053[✗] of the statutes is created to read:

21 **950.053 Victims of abusive conduct. (1) DEFINITIONS.** In this section:

22 (a) "Abusive conduct" means a completed or attempted act of domestic abuse,
23 as defined in s. 813.12 (1) (am), harassment, as defined in s. 813.125 (1), or a violation
24 of s. 940.22, 940.225, 940.32, 942.08, 942.09, or ss. 948.01 to 948.11.

BILL**SECTION 5**

1 (b) "Victim advocate" means an individual who is an employee of, or a volunteer
2 for, a sexual assault service provider that is eligible to receive grants under s. 165.93
3 (2) (b) or a domestic abuse victim service provider that is certified by the department
4 of health services as eligible to receive grants under s. 49.165 (2). An individual who
5 is acting as a sexual assault nurse examiner or who is an employee of a law
6 enforcement agency is not a victim advocate for the purposes of this section.

7 (c) "Proceedings related to abusive conduct" means any activity or event that
8 the victim of the abusive conduct attends or is requested to attend related to the
9 abusive conduct if the activity or event is engaged in or commenced by a law
10 enforcement agency, district attorney, department of justice, department of
11 corrections, a court, or the victim of abusive conduct.

12 **(2) RIGHT TO ACCOMPANIMENT BY A VICTIM ADVOCATE.** (a) In addition to all rights
13 afforded to victims and witnesses under s. 950.04 and services provided under s.
14 950.06 (1m), a victim of abusive conduct has the right to be accompanied, at his or
15 her request, by a victim advocate at all proceedings related to abusive conduct.

16 (b) A parent, guardian, or legal custodian of a minor who is a victim of abusive
17 conduct may make a request under par. (a) for a victim advocate to accompany the
18 minor victim of abusive conduct.

19 (c) A minor who is a victim of abusive conduct may make a request under par.
20 (a) for a victim advocate to accompany him or her without the consent of his or her
21 parent, guardian, or legal custodian.

SECTION 6. Initial applicability.

22
23 (1) This act first applies to a victim of abusive conduct that occurs on the
24 effective date of this subsection.

25 (END)

Basford, Sarah

From: Hurley, Peggy
Sent: Monday, April 22, 2013 11:21 AM
To: Turke, Jon
Cc: Basford, Sarah
Subject: RE: LRB 2010/1

Sure; I'll forward this message to our front desk.

Peggy

From: Turke, Jon
Sent: Monday, April 22, 2013 11:20 AM
To: Hurley, Peggy
Subject: LRB 2010/1

Hi Peggy-

Could we please get this LRB jacketed?

Thanks!

Jon Turke

Office of Rep. Jim Steineke
Assistant Majority Leader
608-266-2418